

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

After entry of this amendment, Claims 1-9 and 14-63 are pending, but Claims 1-9 and 23-63 have been withdrawn from consideration in a previous response. Claim 14 is amended and recast in independent form, and Claims 10-13 are canceled without prejudice or disclaimer. No new matter is introduced.

In the outstanding Office Action, Claims 10-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Masao (JP 11-284261); Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Masao in view of Evans (U.S. Patent Application Publication 2003/0118303); and Claims 14-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Masao in view of Igarashi (U.S. Patent Application Publication 2006/0002715).

Initially, Claims 10-13 are canceled without prejudice or disclaimer. Thus, the rejection of Claims 10-12 under 35 U.S.C. § 102(b) and the rejection of Claim 13 under 35 U.S.C. § 103(a) are rendered moot.

As to the rejection of Claims 14-22 as being unpatentable over Masao and Igarashi, this rejection is respectfully traversed.

Application No. 10/516,306 (the present application) and application No. 11/134,275 (Igarashi) were, at the time the invention of the present application was made, owned by the Furukawa Electric Company Limited, Tokyo, Japan.


MPEP §2146.35 states that states that under 35 U.S.C. § 103(c), prior under 35 U.S.C. § 103(a) is “disqualified prior art against the claimed invention if that subject matter and the claimed invention ‘were, at the time the invention was made, owned by the same person . . .’”

Therefore, as the present application and Igarashi were both owned by the Furukawa Electric Company Limited at the time the invention of the present application was made, it is submitted that Igarashi is disqualified as a reference. As the outstanding Office Action acknowledges, Masao does not disclose the features of Claim 14.¹ As such, it is submitted that a *prima facie* case of obviousness relative to Claims 14-22 cannot be maintained. Accordingly, it is respectfully requested that the rejection of Claims 14-22 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 14-22 is earnestly solicited.

Respectfully submitted,

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¹ See the outstanding Office Action at page 3.